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Application No.: 09/921,512
Office Action Dated: June 25, 2004

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

I. Status of the Claims

*interview summary OK
CW
10/5/04*

Applicants thank Examiner Smith and Examiner Marshall for taking the time to discuss the pending Office Action in a telephone interview with applicants' representative. Amendment to claims 1, 10, and 11 were discussed.

Claims 1-24 are pending in the application. With this amendment, claims 2-9 and 12-24 are canceled, in response to the restriction requirement mailed April 20, 2002, without prejudice to pursuing the claims in a continuing application. Claim 1 is canceled in order to reduce the issues, without prejudice to pursuing the claims in a continuing application. Therefore, claims 10 and 11 are currently pending. Claims 10 and 11 have been amended. Claim amendments are for the purposes of improved clarity or consistency of claim language unless otherwise noted. No claim amendment should be construed as an acquiescence in any ground of rejection. No new matter has been added by this amendment. Support for the amendment to claims 10 and 11 can be found throughout the specification and, for example, on page 30, lines 11-20; page 57, Table 1; and page 78, lines 26-28. The amendment is necessary and was not earlier presented because it is in response to the new grounds of rejection set forth in the final Office Action mailed June 25, 2004. Since the amendment obviates the outstanding grounds of rejection as discussed below, reduces the number of issues, contains no new matter, and places the application in condition for allowance or better condition for appeal, the amendment should be entered.

Claims 10 and 11 are rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Claims 1 and 10 are rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. Claims 1, 10, and 11 are rejected under 35 U.S.C. § 102(e)(2) as being anticipated by Capon et al. (U.S. Patent 6,103,521).

II. Oath or Declaration

The Examiner states that the oath or declaration is defective and requires a new oath or declaration in compliance with 37 CFR § 1.67(a). This corrected Declaration, revising the citizenship of Applicant Früh, is being filed herewith as a Supplemental Declaration.